UNITED NATIONS

Framework Convention on Climate Change

Distr.
GENERAL

FCCC/AGBM/1995/7
21 November 1995

Original: ENGLISH

AD HOC GROUP ON THE BERLIN MANDATE
Second session
Geneva, 30 October - 3 November 1995

REPORT OF THE AD HOC GROUP ON THE BERLIN MANDATE ON THE WORK OF ITS SECOND SESSION, HELD AT GENEVA FROM 30 OCTOBER TO 3 NOVEMBER 1995

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I. OPENING OF THE SESSION

1. The second session of the Ad Hoc Group on the Berlin Mandate (hereinafter referred to as "the AGBM") was held at Geneva from 30 October to 3 November 1995. The session was convened in accordance with the schedule confirmed at the first session (FCCC/AGBM/1995/2, para. 15).

2. The Chairman of the AGBM, Ambassador Raúl Estrada-Oyuela, opened the session at the 1st meeting, on 30 October 1995. In welcoming the participants, he noted that recent work by the Intergovernmental Panel on Climate Change (IPCC) had confirmed the concerns motivating the Convention and the potential for serious consequences of global climate change on developing countries. He recalled the importance of the precautionary principle and the principle of common but differentiated responsibilities and emphasized the responsibility of developed countries to take the lead. In view of the limited time and resources available, the Chairman appealed to the Parties to take decisions and make progress regarding the analysis and assessment at this session. He drew attention to the fact that at some point the number of policies and measures to be analysed should be limited in order to achieve concrete results. The Chairman also welcomed two new Parties, observing that there were now 138 Parties to the Convention.

3. The Executive Secretary welcomed all participants to the session. He expressed satisfaction that it had been possible to offer funding to the full range of eligible Parties for the session. With regard to the provisional agenda, the Executive Secretary pointed out that the agenda formulations were deliberately brief and that the Berlin Mandate remained the basic element in all cases. He then introduced the documentation prepared for the session. In his comments on the work of the session, he noted the importance of balancing the aim of comprehensiveness with the need to begin narrowing the focus. He also observed that the AGBM was a forum where the results of technical analysis could be presented for assessment rather than a place where such analysis could be most usefully undertaken.

II. ORGANIZATIONAL MATTERS
(Agenda item 1)

A. Adoption of the agenda
(Agenda item 1 (a))

4. At the first meeting on 30 October, the Chairman and the Executive Secretary explained the basis and structure of the provisional agenda. Statements were made by seven Parties, including one speaking on behalf of the Group of 77 and China, one speaking on behalf of the European Community and its member States, and another speaking on behalf of

the Alliance of Small Island States (AOSIS). An observer State also made a statement. At its 1st meeting, on 30 October, the AGBM adopted the following agenda, on the understanding that relevant agenda items encompass all aspects in an integrated manner, including analysis and assessment:

1. Organizational matters:

   (a) Adoption of the agenda;
   (b) Organization of work of the session;
   (c) Organization of the work of future sessions.

2. Election of officers other than the Chairman.

3. Strengthening the commitments in Article 4.2(a) and (b):

   (a) Policies and measures;
   (b) Quantified emission limitation and reduction objectives within specified time-frames.

4. Continuing to advance the implementation of Article 4.1.

5. Possible features of a protocol or another legal instrument.

6. Report on the session.

B. Organization of work of the session
(Agenda item 1 (b))

5. At the 1st meeting, on 30 October, the Chairman recalled that there would be services available for one morning and one afternoon meeting with interpretation each day. The AGBM agreed to proceed on the basis of the proposed schedule of work contained in annex II of document FCCC/AGBM/1995/3/Add.1. The Chairman recalled that observers from non-governmental organizations were welcome on the conference room floor before and after meetings but that while meetings were in progress they should remain in the seating area allocated to them.

C. Organization of the work of future sessions

6. At the 6th meeting, on 2 November, the secretariat reported on the situation surrounding the availability of information relating to national communications from Annex I Parties and the in-depth review reports. In this context, a significant amount of material will be available for the discussion on this subject planned for the third session.

7. The Executive Secretary recalled the dates of future sessions, taking account of the decision by the Bureau of the Conference of the Parties (COP) regarding the timing of COP 2:

- 3rd session: 4 - 8 March 1996
- 4th session: Several days during the period 8 - 19 July 1996 (reserved for COP 2)
- 5th session: 21 - 25 October 1996
- 6th session: 10 - 14 March 1997

Meetings in 1996 will be held in Geneva. The balance of the 1997 calendar remains uncertain pending the establishment of the dates of COP 3. It was hoped that six weeks of meeting time would be available to the Convention in both 1996 and 1997.

8. The Executive Secretary took stock of the existing and emerging requests to the secretariat for documentation for the third session. He indicated that the workload appeared manageable but that if difficulties arose priorities would need to be established.

9. The Executive Secretary reported that Parties were being notified, through formal communications to Permanent Missions, of their contributions to the trust fund for the core budget of the UNFCCC due on 1 January 1996. Copies of this communication were circulated. He reminded Parties of the need to contribute to the trust fund for participation in the UNFCCC process to assure the availability of adequate funding for the next session. Further, he invited Parties to contribute to the trust fund for supplementary activities under the UNFCCC. The Executive Secretary appealed to Parties to pay their contributions in advance of the 1 January due date to avoid disruption in the work under the Convention. He also urged delegations to ensure that their colleagues in New York were fully informed of the importance of the decision to be taken by the General Assembly on financing the cost of conference services of meetings of the COP and its subsidiary bodies.

10. The representative of Canada announced a contribution to the special voluntary fund for participation of Can$65,000. The representative of the United States noted that his Government was providing an official to the secretariat, along with the associated bilateral funding. The Executive Secretary and his colleagues responded to a number of questions, thanked contributors for their support and recalled that financial and budgetary matters would be taken up at the next session of the Subsidiary Body for Implementation (SBI).

D. Attendance

11. The lists of attendance at the second session are given in annex I below.

12. The AGBM welcomed the fact that sufficient resources had been available in the special voluntary fund to offer funding to all 106 eligible Parties and that so many were able to participate in the session. The AGBM expressed its gratitude to contributors and hoped that it would be possible to maintain such a high level of participation at future sessions.

E. Documentation

13. The documents prepared for the AGBM at its second session are listed in annex II below.

III. ELECTION OF OFFICERS OTHER THAN THE CHAIRMAN
(Agenda item 2)

14. At the 1st meeting, on 30 October, the Chairman reported on his consultations with regional groups in respect of nominations for the Bureau of the AGBM. He recalled that he had been authorized by COP 1 to undertake such consultations and indicated that these consultations would continue.

15. The Chairman provided further reports on his consultations at the 3rd and 5th meetings, on 31 October and 1 November. At the 7th meeting, on 3 November, the Chairman outlined a proposal to complete the election of officers. A Vice-Chairman and a Rapporteur would be elected, with the Rapporteur also serving as Second Vice-Chairman. The Chairmen of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the SBI would be ex officio members. Six advisers would be invited by the Chairman to participate in Bureau meetings on an equal footing with the elected and ex officio members. Financial assistance for participation in meetings by members and advisers would be provided in accordance with the normal practice whereby one delegate from an eligible Party receives funding. The arrangements would be reviewed at COP 2. A representative of the host Government of COP 3 would be invited to be associated with the deliberations after COP 2.

16. As no consensus was reached among all regional groups, the Chairman undertook to continue his consultations at the third session.

IV. STRENGTHENING THE COMMITMENTS IN ARTICLE 4.2(A) AND (B) (Agenda item 3)

1. Proceedings

17. The AGBM considered agenda item 3 at its 1st meeting, on 30 October. Statements were made by representatives of five Parties, including one speaking on behalf of the Group of 77 and China and another speaking on behalf of the European Community and its member States.

18. The AGBM considered sub-item 3 (a) at its 1st and 2nd meetings, on 30 October, and at its 3rd meeting, on 31 October. Statements were made by representatives of 20 Parties, including one speaking on behalf of the Group of 77 and China, one speaking on behalf of the European Community and its member States and another speaking on behalf of the Alliance of Small Island States (AOSIS). A statement was also made by the representative of an observer State.

19. The AGBM considered sub-item 3 (b) at its 3rd meeting, on 31 October. Statements were made by representatives of 13 Parties, including one speaking on behalf of the European Community and its member States and another speaking on behalf of the Alliance of Small Island States (AOSIS).

2. Conclusions

20. On the basis of a proposal by the Chairman, the AGBM, at its 7th meeting, on 3 November, adopted the following conclusions.

21. In opening this item, there was general agreement that it was critical to the Berlin Mandate process, guided by the provisions of the Convention and its objective. The goal of the process is, inter alia, to strengthen the commitments in Article 4.2(a) and (b) through an approach that elaborates policies and measures as well as setting quantified emission limitation and reduction objectives within specified time-frames, in accordance with the Berlin Mandate.

Policies and measures (Agenda item 3 (a))

22. The AGBM began its substantive deliberations by considering the elaboration of policies and measures for Annex I Parties. In accordance with the Berlin Mandate and the conclusions of the first session, the AGBM discussed questions surrounding the analysis and assessment of policies and measures, including environmental and socio-economic costs and benefits for all Parties, and the results that could be achieved. The responsibilities of individual Annex I Parties to undertake and/or report on technical and analytical work was highlighted, and the need for all Parties in the AGBM to assess analytical results was also confirmed.

23. It was concluded that it would not be possible in the time available to conduct a detailed analysis and assessment of all possible policies and measures. The need to begin to narrow down, but not close off, the range of policies and measures under consideration was generally agreed. Some Parties considered the second session too early to undertake this task. Others sought to launch this effort by identifying policies and measures on which to focus or those already subject to some form of analysis and assessment, by proposing criteria to evaluate policies and measures or by suggesting vehicles and procedures to achieve that end, including additional submissions from Parties. This narrowing down exercise would have to advance at the third session if the process were to remain on track to COP 3. Some Parties requested the secretariat to conduct an analysis and assessment of policies and measures on a selected sector in order to gain experience.

24. A number of different approaches to the treatment of policies and measures were advanced: an annex-based approach reflecting different degrees of common actions, a sectoral and cross-sectoral approach, a technology approach, an instrument approach, a menu of options approach, and mechanisms to develop these. Technology research, development and diffusion were seen as particularly important. The need to respect differing national circumstances, starting points and approaches and the other underlying considerations mentioned in paragraph 2 (a) of the Berlin Mandate was emphasized.

25. The AGBM welcomed the progress report from the Annex I Experts Group relating to their project on policies and measures for common action by Annex I Parties. It requested the Experts Group to take account of the views expressed during the session and looked forward to receiving regular reports and, in due course, substantive analytical inputs.

26. The AGBM looked forward to reviewing the aspects of the IPCC Second Assessment Report related to policies and measures. This was seen as a substantive source of information for its deliberations at the third session. The AGBM invited the Chairman and other concerned officers of the IPCC to present the IPCC findings at that time.

27. The AGBM invited the Parties sponsoring the Climate Technology Initiative to make a progress report to the third session.

28. The AGBM invited Parties to make preliminary submissions to the secretariat by 15 January 1996 offering additional ideas and comments on policies and measures, including, if possible, information on cost-effectiveness and on environmental and socio-economic costs and benefits for all Parties and on how they could be incorporated in a protocol or another legal instrument. It requested the secretariat to compile these submissions, in their original language(s).

29. The AGBM requested the secretariat to organize an informal workshop focusing on policies and measures and recognizing the linkage with quantified objectives, in conjunction with the third session. Parties were invited to communicate their views on the organization and content of such a meeting to the secretariat by 30 November 1995. On the basis of these

views and expressions of interest, the secretariat was requested to invite a number of Parties and organizations, including those from non-Annex I Parties, to make presentations, while taking care to ensure an adequate balance among presenters.

30. The AGBM further requested the secretariat, drawing on national communications, available in-depth review reports, the IPCC Second Assessment Report and comments from Parties, to develop, for consideration at the third session, a document that would follow up on document FCCC/AGBM/1995/6.

Quantified emission limitation and reduction objectives within specified time-frames
(Agenda item 3 (b))

31. The AGBM held an initial exchange of views on the establishment of quantified limitation and reduction objectives within specified time-frames, such as 2005, 2010 and 2020, for anthropogenic emissions by sources and removals by sinks of greenhouse gases for Annex I Parties (FCCC/CP/1995/7/Add.1, decision 1/CP.1, para. 2 (a)).

32. The AGBM reiterated the importance of such objectives. Some Parties underlined the linkages between them and the elaboration of policies and measures. The importance of the underlying considerations included in paragraph 2 (a) of the Berlin Mandate was also reaffirmed.

33. Existing approaches for quantified objectives, such as those listed in document FCCC/AGBM/1995/4, annex, section II, paragraph 4, were mentioned as options. A number of alternative approaches were also proposed, such as cumulative, multi-Party, differentiated, or collective objectives, as well as a system of emissions budgets (that is, a certain amount of emissions over a given period, for example, five years). Such options required further elaboration and definition, and Parties were invited to do that.

34. The need for the AGBM to assess the results of available analyses of a number of such objectives was stressed. The third session of the AGBM would present an initial opportunity to make progress on assessing relevant information and narrowing the range of options, taking account, inter alia, of the environmental and socio-economic costs and benefits for all Parties.

35. Concepts relating to differentiation among Annex I Parties and equitable burden sharing, including possible indicators or criteria for differentiation in the context of sustainable development and vehicles to implement this, were also thought to need further study by Parties.

36. With regard to time-frames, it would be necessary to combine the time needed to achieve shifts in patterns of emissions and removals with the need for accountability and stock-taking at regular intervals. The concept of providing incentives for early action merited further elaboration and consideration by Parties.

37. The AGBM looked forward to reviewing the aspects of the IPCC Second Assessment Report related to quantified emission limitation and reduction objectives. This was seen as a substantive source of information for its deliberations at the third session. The AGBM invited the Chairman and other concerned officers of the IPCC to present the IPCC findings at that time.

38. The AGBM requested the secretariat to organize an informal meeting, in conjunction with the third session, featuring technical presentations by Parties and intergovernmental organizations of existing analytical information on quantified objectives and time-frames and their impacts. Parties were invited to communicate their views on the organization and content of such a meeting to the secretariat by 30 November 1995. On the basis of these views and expressions of interest, the secretariat was requested to invite Parties and organizations, including those from non-Annex I Parties, to make technical presentations, taking care to ensure an adequate balance among presenters.

39. The AGBM further requested the secretariat to prepare, for consideration at the fourth session, a document reviewing possible indicators that could be used to define criteria for differentiation among Annex I Parties.

V. CONTINUING TO ADVANCE THE IMPLEMENTATION OF ARTICLE 4.1
(Agenda item 4)

1. Proceedings

40. The AGBM considered this matter at its 3rd and 4th meetings, on 31 October and 1 November. Statements were made by representatives of 21 Parties, including one speaking on behalf of the Group of 77 and China, one speaking on behalf of the European Community and its member States and another speaking on behalf of the Alliance of Small Island States (AOSIS). A statement was also made by a representative of an intergovernmental organization.

2. Conclusions

41. On the basis of a proposal by the Chairman, the AGBM, at its 7th meeting, on 3 November, adopted the following conclusions.

42. A number of Parties reported on measures being undertaken to implement Article 4.1, including cooperation between Parties. Parties not included in Annex I to the Convention expressed readiness to advance the preparation of their initial communications, taking into account Article 4.3, 4.5 and 4.7 of the Convention and paragraph 2 (b) of the Berlin Mandate, in order to supplement their sustainable development.

43. It was noted that the SBSTA, at its second session, would consider recommendations from the secretariat on guidelines for the preparation of national communications from Parties not included in Annex I to the Convention (FCCC/SBSTA/1995/3, para. 35).

44. The AGBM took note with appreciation of the position paper of the Group of 77 and China on the organization of a workshop/forum on initial communications of non-Annex I Parties (see FCCC/AGBM/1995/MISC.1/Add.4). The need for a workshop/forum, in which experts from Parties not included in Annex I could exchange experiences on the methodologies for, and preparation of, the initial communications, was discussed. The AGBM invited its Chairman to consult the Chairman of the SBSTA, as well as the Chairman of the Group of 77 and China, and Parties not include in Annex I, and requested them, with the assistance of the secretariat, to organize such a workshop/forum in conjunction with the second session of the SBSTA, that is, before the next session of the AGBM. The technical experience gained by Annex I Parties when using the methodologies and preparing their communications would be helpful to the workshop/forum.

45. The importance of the timely availability of financial resources to enable Parties not included in Annex I, including least developed countries, to prepare their communications was stressed. The AGBM noted that the Global Environment Facility (GEF) was taking initial steps in this regard and encouraged the GEF to ensure an adequate and timely flow of funding for this purpose.

46. The need for a discussion at the third session on innovative, efficient and state-of-the-art technologies and know-how was reiterated.

VI. POSSIBLE FEATURES OF A PROTOCOL OR ANOTHER LEGAL INSTRUMENT
(Agenda item 5)

1. Proceedings

47. The AGBM considered this matter at its 5th meeting, on 1 November. Statements were made by representatives of 14 Parties, including one speaking on behalf of the European Community and its member States and another speaking on behalf of the Alliance of Small Island States (AOSIS).

2. Conclusions

48. On the basis of a proposal by the Chairman, the AGBM, at its 7th meeting, on 3 November, adopted the following conclusions.

49. The AGBM held preliminary discussions on this item. It identified a number of issues, including institutional linkages between the Convention and a protocol or another

legal instrument, the role of the secretariat, reviews of commitments of Annex I Parties, reporting and review mechanisms, subsidiary bodies, the use of annexes and the need to avoid duplication and overlap, and took note of a number of proposals in this regard. The secretariat was requested to examine how institutions and processes established by the Convention could be linked to such a future protocol or another legal instrument and to present a paper to the AGBM for consideration at a future session.

50. A number of Parties reiterated their support for the draft protocol submitted by AOSIS (see A/AC.237/L.22). Some Parties welcomed the outline of a possible protocol structure as presented by Spain on behalf of the European Community (see FCCC/AGBM/1995/MISC.1/Add.3, pp. 37-42).

51. A protocol or another legal instrument should cover all greenhouse gases, their emissions by sources and removals by sinks, and all relevant sectors.

52. The AGBM requested the secretariat to prepare a review of existing relevant Conventions. The review should cover the nature of their commitments, common but differentiated responsibilities of the Parties, institutional arrangements and linkages between the conventions and their protocols or any other legal instruments, and possible regional parameters for consideration by the AGBM at its fourth session.

53. The AGBM invited Parties to make preliminary submissions to the secretariat by 15 January 1996 offering additional ideas on possible features of a protocol or another legal instrument. It requested the secretariat to compile all relevant submissions in their original language(s).

VII. REPORT ON THE SESSION
(Agenda item 6)

54. At the 7th meeting, on 3 November, the Chairman, in the absence of an elected Rapporteur, presented the first part of the draft report of the session (FCCC/AGBM/1995/L.2). The AGBM considered and adopted the first part of the draft report.

55. At its 7th meeting, on 3 November, the AGBM requested the Chairman, with the assistance of the secretariat, to complete the report, taking into account the discussions of the AGBM, the conclusions on agenda items 2, 3, 4 and 5 and the need for editorial adjustments.

56. A statement was made on behalf of environmental non-governmental organizations.

57. The Chairman, after thanking all participants for their constructive cooperation, declared the second session of the AGBM closed.

Annex I

LISTS OF ATTENDANCE

1. The second session of the AGBM was attended by representatives of the following 101 Parties to the United Nations Framework Convention on Climate Change:

Albania
Algeria
Antigua and Barbuda
Argentina
Australia
Austria
Bangladesh
Benin
Bolivia
Botswana
Brazil
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic
Chile
China
Colombia
Comoros
Cook Islands
Costa Rica
Côte d'Ivoire
Cuba
Czech Republic
Denmark
Ecuador
Egypt
Eritrea
Estonia
European Community
Finland
France
Gambia
Georgia
Germany
Greece
Guinea
Guyana
Hungary
Iceland
India
Indonesia
Ireland
Italy
Japan
Jordan
Kuwait
Lao People's Democratic Republic
Latvia
Lesotho
Lithuania
Luxembourg
Malaysia
Malawi
Maldives
Malta
Mauritania
Mexico
Micronesia (Federated States of)
Myanmar
Netherlands
New Zealand
Niger
Nigeria
Norway
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Korea
Rumania
Russian Federation
Samoa
Saudi Arabia
Sierra Leone
Slovak Republic
Spain
Sri Lanka
Sudan
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkmenistan
Uganda
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Uzbekistan
Vanuatu
Venezuela
Viet Nam
Zambia
Zimbabwe

2. The session was also attended by observers from the following States not parties to the Convention:

Angola	Honduras	Niger
Belgium	Iran (Islamic Republic of)	Sierra Leone
El Salvador	Madagascar	South Africa
Gabon	Morocco	United Republic of Tanzania

3. The following United Nations offices and programmes were represented:

United Nations Department for Policy Coordination and Sustainable Development (DPCSD)
United Nations Conference on Trade and Development (UNCTAD)

4. The following specialized agencies of the United Nations and related organizations were represented:

International Atomic Energy Agency (IAEA)
United Nations Educational, Scientific and Cultural Organization, Intergovernmental Oceanographic Commission (UNESCO/IOC)
WMO/UNEP Intergovernmental Panel on Climate Change (IPCC)
World Meteorological Organization (WMO)
World Trade Organization (WTO)

5. The following intergovernmental and non-governmental organizations were represented:

Intergovernmental organizations:

International Energy Agency (IEA)
Organisation for Economic Co-operation and Development (OECD)
South Pacific Regional Environment Programme (SPREP)

Non-governmental organizations:

Alliance for Responsible Atmospheric Policy / Arlington, USA
Association Française du Froid/Alliance Froid Climatisation Environnement/ Paris, France
Business Council for a Sustainable Energy Future / Washington, USA
Canadian Electrical Association / Montreal, Canada
Centre d'Etudes Pratiques de la Négociation Internationale / Geneva, Switzerland
Climate Action Network Latin America (CANLA) / Santiago, Chile
Climate Action Network UK / London, UK
Climate Action Network-South East Asia / Quezon City, Philippines
Climate Network Europe / Brussels, Belgium
Edison Electric Institute / Washington, USA
Environmental Defense Fund / Washington, USA
Friends of the Earth International (FOE) / Amsterdam, Netherlands
Foundation for International Environmental Law and Development / London, UK
Germanwatch / Bonn, Germany
Global Climate Coalition / Washington, USA
Global Industrial and Social Progress Research Institute / Tokyo, Japan
Greenpeace International / Amsterdam, Netherlands
Institut de recherche sur l'environnement / La Roche sur Foron, France
International Academy of the Environment / Conches, Switzerland
International Chamber of Commerce / Paris, France
International Climate Change Partnership / Arlington, USA
International Council of Women / Paris, France
International Petroleum Industry Environmental Conservation Association / London, UK
International Society on Optics within Life Sciences / Münster, Germany
National Coal Association / Washington, USA
Tata Energy Research Institute / New Delhi, India
The Climate Council / Washington, USA
The Skies Above Foundation / Victoria, Canada
The Woods Hole Research Center / Woods Hole, USA
Union Internationale des Producteurs et Distributeurs d'Energie Electrique (UNIPEDE) / Paris, France
Union of Concerned Scientists / Washington, USA
University of Tübingen - Center for International Relations / Tübingen, Germany
US Climate Action Network (CAN-USA) / Washington, USA
Verification Technology Information Centre / London, UK
World Coal Institute / London, UK
World Council of Churches / Geneva, Switzerland
Wuppertal Institute for Climate, Environment and Energy / Wuppertal, Germany
WWF-International / Gland, Switzerland

Annex II

DOCUMENTS PREPARED FOR THE AD HOC GROUP ON THE BERLIN MANDATE AT ITS SECOND SESSION

The following documents were prepared for the AGBM at its second session:

FCCC/AGBM/1995/3	Provisional agenda and annotations
FCCC/AGBM/1995/3/Add.1	Annotations to the provisional agenda, including suggestions for the organization of work
FCCC/AGBM/1995/4	Lists of issues identified by Parties
FCCC/AGBM/1995/5	Annotated compilation of information relevant to the Berlin Mandate process
FCCC/AGBM/1995/6	Synthesized list of policies and measures identified by Annex I Parties in their national communications
FCCC/AGBM/1995/MISC.1/Adds.1, 2, 3 and 4	Implementation of the Berlin Mandate: comments from Parties
FCCC/AGBM/1995/L.2	Draft report of the Ad Hoc Group on the Berlin Mandate on its second session